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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/714,413

**Applicant(s)**

SOTAK ET AL.

**Examiner**

RODNEY M. HENRY

**Art Unit**

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-54 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 11/14/2003, 4/6/2005  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-54, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8, 15, 22, 29, and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims 8, 15, 22, 29, and 39 recite a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method. If logic is merely computer code, then the method fails to comprise any physical elements and the claims are directed toward a computer program claimed as a physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. See MPEP 2106.01 I.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1, 2, 5-8, 23, 24, 26-29, 30, 40-43, 46, 47, 50, 53, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaffer et al. (7,085,747).**

As per claims 1 and 50, Schaffer et al. discloses a method and means of controlling a component of a home management system at a residence (Column 7, lines 10-14 discloses a personal schedule module, construed to be a controlling component which makes recommendations for the viewers of a TV set (another component of the home management system) comprising

determining resident activities of a resident of the residence (Column 7, lines 10-11 discloses that the personal schedule module, receives personal scheduling data);

and controlling the component based on the determined resident activities of the resident (Column 7, lines 10-14 discloses a personal schedule module which receives personal schedule data inputs, and it correlates the data to make recommendations).

As per claim 2, Schaffer et al. discloses determining resident activities of a resident comprises collecting information on activity schedules of residents of the residence utilizing an electronic calendar (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 5, Schaffer et al. discloses determining activities of a resident comprises:

maintaining an activities schedule for the resident (Column 9, lines 7-11 discloses personal schedule module 910 containing the personal schedule of the user); and determining whether the resident is present at the residence based on the resident's activities schedule (Column 10, lines 65-68 discloses the use of electronic sensors that indicate the user's car garage is entered, or that the TV set is turned on, along with the personal schedule module data. Using the two pieces of data together can lead to greater reliability on accurate capture of who is home).

As per claim 6, Schaffer et al. discloses controlling the component comprises controlling access to video programming and/or network information based on the resident's activities schedule (Column 11, lines 1-6, and FIG. 8 discloses personal schedule module 910 containing the personal schedule of the user, which is used by the personal schedule modification system 920 to modify the Fuzzy-Now recommendations Functions 870 (recommendation of which program events to watch)).

As per claim 7, Schaffer et al. discloses controlling the component based on the determined resident activities of the resident comprises controlling at least one home management component of the home management system based on the information collected on the activity schedules of the residents (Column 9, lines 7-11, and FIG. 8 discloses personal schedule module (component 910) uses the activity schedules of residents to make recommendations on which programs to watch on the TV (construed to be passive control) of another component of the home management system, namely the TV).

As per claim 8, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method of Claim 1 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer system entails a computer. Programmable code for examining patterns and making inferences based on the data).

As per claims 23, and 53 Schaffer et al. discloses a method and means of determining a user of a video display device (Column 7, lines 10-14 discloses a personal schedule module receives inputs made by users of a TV set (A video display device), and correlates the data to make recommendations to the specific user) comprising:

collecting information on activity schedules of the residents of the residence (Column 7, lines 10-11 discloses that the personal schedule module receives personal scheduling data);

and identifying at least one of the residents of the residence as the user of the video display device based on the collected information (Column 7, lines 10-13 discloses a personal schedule module getting data directly input by the user or through correlation between user scheduling preferences. Either of these being usable to identify one of the residents).

As per claim 24, Schaffer et al. discloses the information on activity schedules is collected utilizing a calendar application (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 26, Schaffer et al. discloses identifying at least one resident comprises eliminating from a list of possible users residents that the activity schedule information indicates are not present at the residence (Column 10, lines 65-66 discloses the use of electronic sensors (construed to be a list of at least two for a two car garage) to indicate when a user's car has entered the garage).

As per claim 27, Schaffer et al. discloses collecting information on resident activities associated with corresponding residents (Column 8, line 61 discloses monitoring the user); analyzing the resident activities reflected in the collected information to identify interests of the corresponding residents (Column 8, line 62 discloses tracking interest over time); and wherein identifying at least one resident further comprises select a user from the list of possible users based on the interests of the residents and the content of video to be displayed on the display device. (Column 9, lines 59-63 discloses the selection of news for a resident who occupies the bedroom around 11 p.m. because the system has determined that to be the interest of the person since they are about to go to sleep).

As per claim 28, Schaffer et al. discloses determining resident activities of a resident comprises collecting information on activity schedules of residents of the residence utilizing an electronic calendar (Column 9, lines 14-15

discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 29, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out the method of Claim 23 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer system entails a computer, and programmable code for examining patterns and making inferences based on the data).

As per claims 30, and 54 Schaffer et al. discloses a method and means of controlling components in a home management system (Column 7, lines 10-14 discloses a personal schedule module, construed to be a controlling component which makes recommendations for the viewers of a TV set (another component of the home management system) comprising

maintaining a central repository of residence information for use by more than one component of the home management system (Column 9, lines 9-11 discloses the personal schedule modification system 920, construed to be a central repository of residence information and used by components such as the TV and the personal schedule module of FIG. 9);  
and determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository



(Column 9, lines 2430 discloses the monitoring of user 300 in order to generate the personal schedule (the action)).

As per claim 40, Schaffer et al. discloses a home management system (Column 7, lines 10-14 discloses a personal schedule module, construed to be a controlling component which makes recommendations for the viewers of a TV set (another component of the home management system) comprising a central repository of residence information (Column 9, lines 9-11 discloses the personal schedule modification system 920, construed to be a central repository of residence information) a family information manager configured to provide access to the central repository of residence information (Column 9, lines 9-11 discloses the personal schedule modification system 920 (central repository) which uses the personal schedule module 910 (family information manager) and the fuzzy now recommendations function 870); a plurality of home management application programs configured to retrieve information from and/or store information in the central repository (Column 9, line 15 discloses a PDA, construed to carry a plurality of home management application programs, such as calendar, note taking, database, calculator, etc.).

As per claim 41, Schaffer et al. discloses a family information portal configured to provide an interface to the plurality of application programs (Column 9, lines 8-15 discloses the personal schedule modification system 920 extracting data from a PDA (construed to have communications interface, such as HotSync)).

As per claim 42, Schaffer et al. discloses a direct media insertion technology (DMIT) module configured to control the content of media distributed to devices managed by the home management system (Column 3, lines 13-18 discloses user profile storage 270 (DMIT module) which stores records of preference genre such as horror, romance, westerns , etc.).

As per claim 43, Schaffer et al. discloses the DMIT module is further configured to block access to media based on information in the central repository (Column 3, lines 13-18 discloses user profile storage 270 (DMIT module) which stores records of preference genre and schedules information not to be shown (parental control)).

As per claim 46, Schaffer et al. discloses at least one of the application programs comprises a calendar application for tracking activities of users of the home management system (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

As per claim 47, Schaffer et al. discloses at least one of the application programs comprises a services module configured to provide sharing services that control the flow of information from the central repository, an update module that provides for updating the central repository, a Family Information Scheduling (FIS) module that provides a Family Calendar that tracks family activities, appointments and/or tasks, a Family Advertising System (FAS) module that provides tailored advertising and/or control over advertising, a Kitchen Information System (KIS)/Gourmet

Art Unit: 4127

module provides recipes, menu planning and/or inventory functions, a Medical Information System (MIS) module that provides medical information, maintenance, control over medical records and/or exercise schedules/routines, a Landscape Information System (LIS) module that controls the schedule of maintenance and/or irrigation systems, a School Interface System (SIS) module that tracks assignments and/or activities and/or a Family Automation Control (FAC) module that controls home automation systems. (Column 9, lines 14-15 discloses an electronic schedule keeper such as a PDA which carries programs that track family activities, appointments and/or tasks, such as calendar).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3, 4, 25, 31-39, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Goldman et al. (US 2003/0135853).**

As per claim 3, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose controlling the component comprises: selecting a video insertion to replace a commercial advertising portion of a video stream based on the determined activities of the resident;

detecting a commercial advertising portion of the video stream; and  
replacing the detected commercial advertising portion of the video stream with the  
selected video insertion so as to provide a composite video stream containing primary  
content portions and the selected video insertion.

Goldman et al. teaches a system and method for inserting advertisements into an  
information retrieval system display which:

selects a video insertion to replace a commercial advertising portion of a  
video stream based on the determined activities of the resident (Page 6, paragraph  
[0052], and FIG 3B discloses advertisement insertion module 176 overwriting an  
advertisement already included in the requested content with an advertisement (video  
insertion) selected based on the user profile );

detects a commercial advertising portion of the video stream (Page 6,  
paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting  
an advertisement already included in the requested content. It has to detect it to  
overwrite it); and

replaces the detected commercial advertising portion of the video stream  
with the selected video insertion so as to provide a composite video stream containing  
primary content portions and the selected video insertion (Page 6, paragraph [0052],  
and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement  
already included in the requested content with an advertisement (video insertion)  
selected based on the user profile, along with the requested information document  
(primary content)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include detection, selection and replacement of advertising portion of video stream as taught by Goldman et al. in order to target advertisements that are more suited to the user.

As per claim 4, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose selecting a video insertion comprises selecting an advertisement associated with the determined activities of the resident.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display which selects a video insertion comprises selecting an advertisement associated with the determined activities of the resident (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion module 176 selecting an advertisement based on the user profile, for example activity such as internet usage (paragraph [ 0042])

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include, selection of advertising associated with the activities of the resident as taught by Goldman et al. in order to target advertisements to the user at the most opportune times.

As per claim 25, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose selecting video content for display on a display device based on the identified at least one resident.

Goldman et al. teaches a system and method for inserting advertisements into an

information retrieval system display which selects a video insertion to replace a commercial advertising portion of a video stream based on the identified at least one resident (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile, such as internet usage by a particular resident).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include detection, selection and replacement of advertising portion of video stream as taught by Goldman et al. in order to target advertisements that are more suited to the user.

As per claim 31, Schaeffer et al. discloses resident activity information and activity schedules of residents (Column 9, lines 12-15 discloses personal schedule data is extracted from data entered by the user or from an electronic schedule keeper).

However Schaffer et al. fails to explicitly disclose the residence information comprises demographic information of residents.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display where the residence information comprises demographic information of residents (Page 4, paragraph [0042] discloses user information includes demographic information).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the system of Schaffer et al. include demographic information as taught by Goldman et al. further improve the correlation methodology by incorporating demographic information.

As per claim 32, Schaeffer et al., discloses the elements of the claimed invention, but fails to explicitly disclose determining an action to control a component of the home management system comprises:

selecting a video insertion to replace a commercial advertising portion of a video stream based on information stored in the central repository, the method further comprising: detecting a commercial advertising portion of the video stream; and replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display which:

selects a video insertion to replace a commercial advertising portion of a video stream based on information stored in the central repository (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile, which is part of the central repository (client system 10 of FIG. 3A));

detects a commercial advertising portion of the video stream (Page 6,

paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content. It has to detect it to overwrite it); and

replaces the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile, along with the requested information document (primary content)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include detection, selection and replacement of advertising portion of video stream as taught by Goldman et al. in order to target advertisements that are more suited to the user.

As per claim 33, Goldman et al. discloses selecting a video insertion comprises:  
transmitting at least a portion of the information from the central repository to a central entity (FIG. 3A shows the user profile module 54 of the central repository 10 transmitting information to the ad selection unit 64 of the central entity, remote server 16); and receiving video content for presentation to the residents from the central entity (FIG. 3A shows the video content being transmitted to the internet browser from the document cache and the ad insertion module).



As per claim 34, Goldman discloses the central entity carries out the steps of:

evaluating the transmitted information to determine at least one interest of the resident (Page 4, paragraph [0042] discloses the user profile of central entity client system 10 (FIG. 3A), including information such as internet usage data (user interests);

selecting at least one advertiser based on the determined interest

requesting an advertising clip from at least one advertiser;

receiving an advertisement client from the at least one advertiser responsive to the request; and

forwarding an advertising clip associated with the at least one advertiser to the residency (Page 6, paragraph [0052] and FIG. 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile).

As per claims 35, Goldman discloses the central entity requests and receives a plurality of advertising clips, the method further comprising:

generating a program package incorporating the plurality of advertising clips; and

sending the program package to the residence. (Page 5, paragraph [0051] discloses the user profile of central entity client system 10 (FIG. 3B), requesting a plurality of advertising clips and receiving a list of appropriate advertisements via ad insertion module 176).

As per claim 36, Goldman et al. discloses selecting an insertion: comprises: analyzing information from the central repository so as to determine an interest of the resident associated with the information (Page 4, paragraph [0042] discloses the user profile of central entity client system 10 (FIG. 3A), including information such as internet usage data (user interests); and selecting a video insertion based on the determined interest of the resident (Page 5, paragraph [0048] discloses advertisement selection criteria 70 of FIG. 3A selecting advertisement whose subject matter corresponds to the viewing habits of the user).

As per claim 37, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose determining an action to control at least one of a home automation system, a parental control system, a security system, a network firewall, a video system, an audio system, a telephone system and/or a residence monitoring system.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display which determines an action to control at least one of a home automation system, a parental control system, a security system, a network firewall, a video system, an audio system, a telephone system and/or a residence monitoring system (Page 4, paragraph [0034] and FIG. 2 discloses ASIC 28 interfacing with audio, video and telephone modems interfacing to display device 20 and the phone respectively (all part of the control of the home automation system)).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the system of Schaffer et al. include, selection of advertising associated with the activities of the resident as taught by Goldman et al. in order to include more aspects of home control such as audio, security etc..

As per claim 38, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose controls access to the central repository with a common interface through which application programs communicate with the central repository.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display which controls access to the central repository with a common interface through which application programs communicate with the central repository (Page 4, paragraph [0034] and FIG. 2 discloses ASIC 28 as the central interface through which application programs of the CPU 26 of central repository, client system 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include, selection of advertising associated with the activities of the resident as taught by Goldman et al. in order to include more aspects of home control such as audio, security etc..

As per claim 39, Schaffer et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodied therein, the computer readable program code being configured to carry out

the method of Claim 30 (Fig 9 shows a combination of the 3-way recommendation system and the Fuzzy-now function recommendation system. It is construed that the fuzzy computer system entails a computer, and programmable code for examining patterns and making inferences based on the data).

As per claims 44 and 45, Schaeffer et al. discloses the elements of the claimed invention, but fails to explicitly disclose the DMIT is further configured to replace and or insert advertisements into media distributed to devices managed by the home management system based on information in the central repository.

Goldman et al. teaches a system and method for inserting advertisements into an information retrieval system display where a DMIT is further configured to replace and or insert advertisements into media distributed to devices managed by the home management system based on information in the central repository (Page 6, paragraph [0052] and FIG. 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schaffer et al. include, insertion of advertisements as taught by Goldman et al. in order to couple information contained in the central repository with advertisements.

**8. Claims 9, 15, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US 2003/0135853), in view of Picco et al. (US 6,029,045).**

As per claims 9 and 51, Goldman et al. discloses a method and means of displaying a video stream containing commercial advertising portions and primary content portions on a television at a residence (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion into the requested information document (primary content)), comprising:

detecting a commercial advertising portion of the video stream (Page 6, paragraph [0052], and FIG 3B discloses advertisement insertion module 176 overwriting an advertisement already included in the requested content. It has to detect it to overwrite it).

However Goldman et al. fails to explicitly disclose replacing the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion.

Picco et al. teaches a system and method for inserting local content into programming content which replaces the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion (Column 8, lines 7-11 discloses the set-top (at the

residence) box storing local content (advertisements) which are inserted into a live feed signal. Column 12, lines 1-2 discloses the replacement methodology).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman et al. to include, replacement of the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion as taught by Picco et al. in order ensure residents are getting advertisements that are more appropriate for their local area.

As per claim 15, Goldman et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodies therein, the computer readable program code being configured to carry out the method of Claim 9 (Page 3, paragraph [0034] discloses CPU 26 executes computer-executable instructions, construed to mean there is a computer, and computer readable code).

**9. Claims 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US 2003/0135853), in view of Picco et al. (US 6,029,045), and further in view of Allport (US 6,097,441).**

As per claim 10, The Goldman et al. and Picot et al. invention discloses the elements of the claimed invention but fails to explicitly disclose the video stream comprises at least one of a camera output and/or a status display.

Allport teaches a system for dual-display interaction with integrated television and internet content having the video stream comprises at least one of a camera output and/or a status display (Column 5, lines 11-13 teaches the full motion video allowing the user to view the output from a video baby monitor (camera output)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman et al. and Picot et al. to include, the video stream comprises at least one of a camera output as taught by Allport in order to provide users with local video streams such as from a baby monitor that can be inserted into their PIP TV display.

As per claim 11, The Goldman et al. and Picot et al. invention discloses the elements of the claimed invention but fails to explicitly disclose the video stream comprises a video stream from a baby monitor.

Allport teaches a system for dual-display interaction with integrated television and internet content having the video stream comprises a video stream from a baby monitor (Column 5, lines 11-13 teaches the full motion video allowing the user to view the output from a video baby monitor (camera output)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman et al. and Picot et al. to include, the video stream comprises a video stream from a baby monitor as taught by Allport in order to provide users with local video streams from baby monitors so that parents can watch TV while being able to monitor a baby remotely.

**10. Claims 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US 2003/0135853), in view of Picco et al. (US 6,029,045), and further in view of Schaffer et al. (7,085,747).**

As per claims 12, and 14, The Goldman et al. and Picot et al. invention discloses  
the elements of the claimed invention but fails to explicitly disclose:  
collecting information on activity schedules of the residents of the residence;  
analyzing the activities reflected in the collected information; and  
selecting the video stream from the source component located at the residence based on the analysis of the collected information.

Schaffer et al. teaches a real-time event recommender for media programming using "fuzzy-now" and "personal scheduler" which  
collecting information on activity schedules of the residents of the residence (Column 9, lines 7-11 discloses personal schedule module 910 containing the personal schedule of the user)  
analyzing the activities reflected in the collected information (Column 8, lines 61-62 discusses the user being monitored and the user's interest being tracked over time (construed to be analyzing)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman et al. and Picot et al. to include, collection of activity schedules and analyzing of the activities as taught by Schaffer et al. in order to use the data effectively with regards to providing appropriate advertising for users.



Picco et al. further teaches a system and method for inserting local content into programming content which selects the video stream from the source component located at the residence based on the analysis of the collected information (Column 6, lines 29-34 discusses the set-top (at the residence) only storing local content which satisfies user preferences (the end result of analysis of collected information)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman et al. and Picot et al. to include, replacement of the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion as taught by Picco et al. in order ensure residents are getting advertisements that are more appropriate for their preferences.

**11. Claims 16 – 22, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al. (US 2003/0135853, in view of Schaffer et al. (US 7,085,747)).**

As per claims 16, and 52 Goldman et al. discloses a method and means of generating demographic data for residents of a residence for use in selecting video content for presentation to the residents (Page 3, paragraph [0042] discloses user profile 54 including other information characterizing the user such as demographic information), comprising:  
  
selecting video content for presentation to the residents on a television based on the analysis of the collected information (Page 5, paragraph [0048] discloses the selection

criteria providing an advertisement whose subject matter corresponds to the television viewing habits of the user).

However Goldman et al. fails to explicitly disclose collecting information on activity schedules of the residents of the household; and analyzing the activities reflected in the collected information.

Schaffer et al teaches real-time event recommender for media programming using "fuzzy-now" and "personal scheduler" which collects information on activity schedules of the residents of the household (Column 9, lines 7-11 discloses personal schedule module 910 containing the personal schedule of the user);

analyzes the activities reflected in the collected information (Column 8, lines 61-62 discusses the user being monitored and the user's interest being tracked over time (construed to be analyzing).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman to include, collection and analysis of activity schedules of residents of households as taught by Schaffer et al. in order correlate the appropriate advertisements with users.

As per claim 17, Goldman et al. discloses the elements of the claimed invention but fails to explicitly disclose the information on activity schedules is collected utilizing a calendar application.

Schaffer et al teaches real-time event recommender for media programming using "fuzzy-now" and "personal scheduler" wherein the information on activity schedules is collected utilizing a calendar application (Column 9, lines 14-15 discloses

an electronic schedule keeper such as a PDA from which data is extracted, PDAs construed to have calendars).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman to include, the information on activity schedules is collected utilizing a calendar application as taught by Schaffer et al. in order promote the collection, analysis and scheduling of video content to match the schedules of the users.

As per claim 18, Goldman et al. discloses analyzing and selecting comprises: transmitting at least a portion of the collected information to a central entity (FIG. 3A shows the user profile, block 54 transmitting information to the ad selection unit 64 of the central entity, remote server 16); and receiving video content for presentation to the residents from the central entity (FIG. 3A shows the video content being transmitted to the internet browser (received by residents)).

As per claim 19, Goldman et al. discloses the central entity carries out the steps of: evaluating the transmitted information to determine at least one interest of the resident (Page 4, paragraph [0042] discloses the user profile of central entity client system 10 (FIG. 3A), including information such as internet usage data (user interests)); selecting at least one advertiser based on the determined interest; and forwarding an advertising clip associated with the at least one advertiser to the residency (Page 6, paragraph [0052] and FIG. 3B discloses advertisement insertion

module 176 overwriting an advertisement already included in the requested content with an advertisement (video insertion) selected based on the user profile, such as internet usage).

As per claims 20, Goldman et al. discloses, the central entity requests and receives a plurality of advertising clips, the method further comprising: generating a program package incorporating the plurality of advertising clips; and sending the program package to the residence. (Page 5, paragraph [0051] discloses the user profile of central entity client system 10 (FIG. 3B), requesting a plurality of advertising clips and receiving a list of appropriate advertisements via ad insertion module 176).

As per claim 21, Goldman et al. discloses, analyzing the collected information comprises analyzing the collected information so as to determine an interest of a resident associated with the collected information. (Page 5, paragraph [0050] discloses advertisements are determined based on viewing habits of the user (analysis of interests)).

As per claim 22, Goldman et al. discloses a computer program product comprising a computer readable medium having computer readable program code embodies therein, the computer readable program code being configured to carry out the method of Claim 16 (Page 3, paragraph [0034] discloses CPU 26 executes computer-executable instructions, construed to mean there is a computer, and computer readable code).

**12. Claims 48, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer et al. (US 7,085,747), in view of Examiner's Official Notice.**

As per claim 48, Schaeffer et al., discloses the elements of the claimed invention, but fails to explicitly disclose the plurality of application programs comprise at least two application programs configured to use information provided by the other one of the two application programs.

The Examiner takes Official Notice that it is old and well known in the art of application programs such as Microsoft Office Suite that at least two application programs are configured to use information provided by one of the two application programs (for example, MS Outlook can import information from MS Excel or MS word).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Goldman to include, the well known application software to promote information sharing among applications.

As per claim 49, Schaeffer et al., discloses the information used by one of the one of the two application programs that is provided by the other one of the two application programs is stored in the central repository (Column 9, lines 9-11 discloses the personal schedule modification system 920 (central repository) extracts data from the PDA, hence the application program is stored on the central repository).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Gerszberg, Irwin et al. (US 6396531) discloses set top integrated visionphone user interface having multiple menu hierarchies.

Microsoft Computer Dictionary Fifty Edition, 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rmh

/Lynda Jasmin/  
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